

## REMARKS

The amendment to the specification is made to properly cross-note the relation to the parent application. The original claim to priority was listed on the transmittal sheet and included on the filing receipt.

In the Office Action the Examiner issued a rejection for non-statutory double patenting for all the pending claims 36, 39-60. These claims were present in the parent application 09/833,376 (now U.S. patent 6,633,202), and were subject to a restriction requirement during the prosecution of the parent application. The current application was erroneously filed as a continuation instead of a divisional. Applicants are submitting simultaneously a petition to change the status of the application to a divisional instead of a continuation, a copy of which is attached herewith.

As the Examiner indicated in a phone call with Nathan Lewis on July 11<sup>th</sup>, 2005, correction of the status of the application from a continuation to a divisional will enable Applicants to take advantage of the provision in 35 U.S.C. 121 prohibiting non-statutory double-patenting rejections based on the parent as a reference for divisional applications. Accordingly, as this application will be changed to a divisional, the double-patenting rejection should be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the pending claims are now in condition for allowance. The Examiner is, therefore, respectfully requested to pass this case to issue.

Respectfully submitted,

JONES DAY

A handwritten signature in black ink, appearing to read 'Nathan Lewis', written over a horizontal line.

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